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JOSEPH BIRDSONG, individually
and as representative of the putative CLASS

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH BIRDSONG, individually and as
representative of the CLASS,

Plaintiff,

vs.

APPLE COMPUTER, INC.,

Defendant.

Case No. C 06-02280 JW PVT

Judge: Hon. James Ware

**STIPULATION AND JOINT MOTION TO
RESCHEDULE CASE MANAGEMENT
CONFERENCE**

1 IT IS HEREBY STIPULATED AND REQUESTED by Defendant Apple Computer, Inc.
2 (“Apple”) and Plaintiff Joseph Birdsong, individually and as representative of the putative Class,
3 pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the parties’
4 agreements, that the Case Management Conference scheduled for Monday, April 2, 2007 be
5 rescheduled for Monday, April 16, 2007. Counsel for Apple is required to be at a mandatory
6 court hearing in Delaware on April 2, 2007, and cannot attend the Case Management Conference
7 in this proceeding.

8 WHEREFORE, based on the foregoing and for good cause shown, the parties respectfully
9 request that this Court order that the Case Management Conference be held on Monday, April 16,
10 2007, in Courtroom 8, 4th Floor, San Jose at 10:00 a.m.
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1 Respectfully submitted,

Respectfully submitted,

2 Dated: February 14, 2007

Dated: February 14, 2007

3
4 HAGENS BERMAN SOBOL SHAPIRO LLP

KIRKLAND & ELLIS LLP

5
6 By: /s/ Lee M. Gordon

By: /s/ Mark E. McKane

7 Lee M. Gordon
8 Elaine T. Byszewski

James F. Basile
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9 Attorneys for Plaintiff
10 JOSEPH BIRDSONG,
11 individually and as representative
12 of the putative CLASS

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APPLE COMPUTER, INC.

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16 of the putative CLASS:

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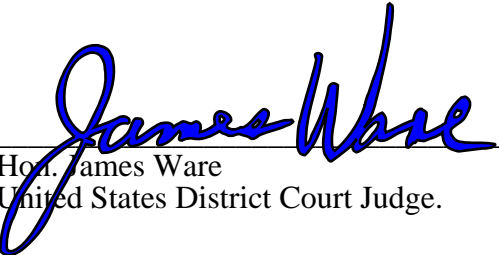
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9 THE FOREGOING STIPULATION IS
10 APPROVED AND IT IS SO ORDERED.

11 Dated: 2/15/2007


Hon. James Ware
United States District Court Judge.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this STIPULATION AND JOINT MOTION TO RESCHEDULE CASE MANAGEMENT CONFERENCE. In compliance with General Order 45, X.B., I hereby attest that Lee M. Gordon, counsel for Plaintiff Joseph Birdsong, has concurred in this filing.

/s/
Mark E. McKane